

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**LUIS ROMAN,
No. M12962,**

Plaintiff,

vs.

S.A. GODINEZ, et al.

Defendants.

Case No. 15-cv-00096-NJR

MEMORANDUM AND ORDER

ROSENSTENGEL, District Judge:

Plaintiff Luis Roman, an inmate in Pontiac Correctional Center, brings this action pursuant to 42 U.S.C. § 1983 for deprivations of his constitutional rights, based on events that occurred while he was housed at Lawrence Correctional Center in 2014. Supplemental claims based on Illinois law are also presented in accordance with 28 U.S.C. § 1367(a). Plaintiff's first four attempts to draft a viable complaint failed, so counsel was assigned to represent Plaintiff.

The Fourth Amended Complaint (Doc. 36), prepared by counsel, is now before the Court for preliminary review pursuant to 28 U.S.C. § 1915A. The Court is required to dismiss any portion of the amended complaint that is legally frivolous, malicious, fails to state a claim upon which relief may be granted, or asks for money damages from a defendant who by law is immune from such relief. 28 U.S.C. § 1915A(b).

A preliminary review reveals that the Fourth Amended Complaint (Doc. 36) states an overarching, colorable Eighth Amendment claim, as well as related state law claims. There is one minor technical flaw in the pleading, in that each defendant is not listed in the caption, as required by Federal Rule of Civil Procedure 10(a). Because the twelve intended defendants are

clearly listed as parties in the “Parties” section of the pleading, however, no further amendment will be required.

IT IS THEREFORE ORDERED that Plaintiff’s Fourth Amended Complaint (Doc. 36) shall proceed. The Clerk of Court is **DIRECTED** to refer to the “Parties” section of the Fourth Amendment Complaint for a listing of the twelve named defendants.

Because Plaintiff is represented by counsel, and in the absence of a motion for service of process at government expense, Plaintiff’s counsel, not the Clerk of Court, shall bear responsibility for the service of process upon all named defendants.

Defendants are **ORDERED** to timely file an appropriate responsive pleading to the Fourth Amended Complaint and shall not waive filing a reply pursuant to 42 U.S.C. § 1997e(g).

Pursuant to Local Rule 72.1(a)(2), this action is **REFERRED** to **United States Magistrate Judge Donald G. Wilkerson** for further pre-trial proceedings. Further, this entire matter shall be **REFERRED** to a United States Magistrate for disposition, pursuant to Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *if all parties consent to such a referral*.

IT IS SO ORDERED.

DATED: October 20, 2015

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. A faint circular seal of the United States District Court is visible in the background behind the signature.

NANCY J. ROSENSTENGEL
United States District Judge